

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
LUBBOCK DIVISION

STATE OF TEXAS, et al.,

Plaintiffs,

v.

XAVIER BECERRA, Secretary of Health
and Human Services, et al.,

Defendants.

No. 5:21-CV-300-H


FINAL JUDGMENT

For the reasons set out in the Court's Memorandum Opinion and Order on March 31, 2023, it is hereby ordered and adjudged that the plaintiffs' motion for summary judgment (Dkt. No. 54) is granted. The defendants' motion to dismiss (Dkt. No. 48) and motion for summary judgment (Dkt. No. 49) are denied. It is further ordered and adjudged that:

1. Final Judgment is entered in favor of the plaintiffs on Counts 1, 2, 3, 4, and 6 of the Complaint. *See* Dkt. No. 1 at ¶¶ 224–37, 240–41.
2. The Court does not reach Counts 5, 7, 8, 9, and 10 of the Complaint. *See* Dkt. No. 1 at ¶¶ 238–39, 242–52.
3. The Court vacates and sets aside, in its entirety, the Administration for Children and Families' Interim Final Rule with Comment titled *Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs* (86 Fed. Reg. 68,052 (Nov. 30, 2021)). The Court remands this matter to the Secretary of Health and Human Services for further consideration. The Court denies all other requested relief.
4. The Court stays the effect of this Final Judgment for seven days from the date of entry to allow the defendants to seek relief, if any, at the appellate level.

The Clerk is directed to close this case.

So ordered on March 31, 2023.



JAMES WESLEY HENDRIX
UNITED STATES DISTRICT JUDGE